

Decision Notice
& Finding of No Significant Impact
Dick Creek Timber Sale Environmental Assessment
USDA Forest Service
Greybull Ranger District, Shoshone National Forest
Park County, Wyoming

Decision and Reasons for the Decision

Background

The Dick Creek Timber Sale environmental assessment (EA) discloses the environmental effects of implementing vegetative management in the Dick Creek watershed. These activities are proposed to improve forest condition, improve vegetative diversity, improve watershed health, and provide wood products. The Shoshone National Forest is initiating this proposal as part of implementing the Shoshone Land and Resource Management Plan (Forest Plan).

An EA was prepared for the Dick Creek Timber Sale in 1996; the associated decision notice was signed in 1997. Because of concerns from the public on the changes that have occurred in the past five years, a new environmental analysis has been completed.

The proposed activities are located approximately 18 miles southwest of Meeteetse in Park County, Wyoming in the Dick Creek watershed.

Purpose for Action

Based on review of the site-specific conditions and needs (EA section 1.4.1), I chose to focus on the following management direction from the Forest Plan and other directives.

- Improve tree age class and species diversity to benefit forest health, recreation experiences, visual quality, and wildlife habitat
- Maintain and improve aspen sites
- Reduce damages by insects, disease, and other forest pests to acceptable levels through integrated management of vegetation
- Manage the timber resources on lands suitable for timber management to provide sawtimber, roundwood, and firewood to meet resource management objectives
- Follow the management direction for inventoried roadless areas, while allowing vegetation treatment in this area

In summary, the purpose and need for action in the Dick Creek watershed is to enhance vegetative diversity and wildlife habitat, improve stand conditions, provide timber products consistent with other resource objectives, without further impacting roadless characteristics of the area. Other Forest Plan direction such as that associated with water quality and transportation management would be met through the implementation of standards and guidelines.

Decision

Based upon my review of all the alternatives, I have decided to implement Alternative 2. My focus is on increasing vegetative diversity, improving forest condition, providing forest products, and protecting roadless characteristics from new road impacts.

Project activities associated with this proposed action include:

- Seedcuts will be conducted on 95 acres of mixed conifer stands.
- A salvage/sanitation/thin will be conducted on 202 acres of lodgepole stands. If necessary, prescribed fire will be used to encourage lodgepole regeneration.
- To encourage aspen regeneration, 120 acres of mixed conifer/aspen stands will be clearcut in patches one to 10 acres in size. Conifers will be removed on all 120 acres.
- Commercial treatments will yield 2.1 MMBF (4,157 ccf) of timber products.
- Activity fuel piles located at seven landings will be burned following sale activities.
- Road reconstruction will occur on 0.24 miles; all reconstruction occurs outside of inventoried roadless.
- Road maintenance will occur on 17.2 miles.
- Two temporary roads will be used; all temporary roads occur outside inventoried roadless and will be obliterated after sale activities.
- The operating season will allow logging and hauling on 12 inches of snow or frozen ground between December 1 and March 31.

Additional information on the Alternative 2 can be found the EA (section 2.2.2).

Other Alternatives Considered

In addition to the selected alternative, I considered two other action alternatives. A comparison of these alternatives can be found in the EA (section 2.4). A number of alternatives were also considered but eliminated from detailed study (EA, section 2.1).

Alternative 1 – No Action

Under the No Action alternative current, ongoing management such as fire suppression, grazing administration for commercial livestock, road maintenance and closures, fisheries enhancements, dispersed recreation, and weed control would continue at present levels. This alternative would not address the purpose and need for vegetation diversity, forest condition, and forest products. No silvicultural treatments would occur and no wood products would be offered for sale. No mitigation measures are necessary. Existing roadless characteristics of the area would be maintained.

Alternative 3

Alternative 3 is based on an operation where all vegetation treatments would be conducted outside of inventoried roadless areas. Project activities associated with this alternative are the same as Alternative 2 except for the following:

- Seedcuts would be conducted on 68 acres of mixed conifer stands.
- A salvage/sanitation/thin would be conducted on 30 acres of lodgepole stands.
- To encourage aspen regeneration, 67 acres of mixed conifer/aspen stands would be clearcut in patches ranging from one to 10 acres. Conifer would be removed on all 67 acres.
- Commercial treatments would yield 0.7 MMBF (1,339 ccf) of timber products.

Rationale For the Decision

When compared to the other alternatives, Alternative 2 does the best job of responding to the purpose for action and the key issues. The main purpose for this project is to implement goals and objectives from the Forest Plan.

The No Action Alternative is not responsive to the purpose for action. It does not improve lodgepole pine stand conditions being impacted by mistletoe; it does not maintain aspen sites or improve remnant aspen stands being encroached by conifers; and it does not produce timber products. For these reasons I chose not to select the No Action Alternative. The No Action

Alternative does defer all activities within inventoried roadless areas. Alternative 3 also defers all activities from those areas.

Alternatives 2 and 3 are the same except Alternative 3 does not propose any activity in inventoried roadless areas. As a result, many of the benefits gained by 417 acres of harvest treatment in Alternative 2 are foregone in Alternative 3 that only harvests 165 acres. The choice between these two alternatives comes down to the balance between the foregone treatment and the effects on inventoried roadless areas. My objective in working with the IDT to design Alternative 2 was to mitigate impacts to the roadless areas to the greatest extent possible while still allowing treatment to occur.

One of the purposes of action is to follow the Chief's Interim Roadless Directive. Additional detail is included in the EA (section 3.6.1). My authority to conduct treatment within inventoried roadless areas only applies if:

The harvest is in a portion of an inventoried roadless area where construction of a classified road and subsequent timber harvest have previously taken place, and the roadless area characteristics have been substantially altered by those activities (FSM 1925.04a and 04b).

As noted in the EA (section 3.6.1), the roadless area is accessed by a classified road and has been previously harvested. This past activity has altered the roadless characteristics. The roading and past harvest precludes potential wilderness designation (FSH 1909.12, Section 7.11), one of the main purposes for identifying roadless areas. Based on this, the decision falls within my authority.

In choosing between Alternatives 2 and 3, I first focused on what impacts Alternative 2 would have on the inventoried roadless area. The greatest impact would occur if new classified roads were built or reconstructed within the area. For that reason, the proposed action was scaled back so that road building was not included. There is no road construction in Alternative 2; all reconstruction work occurs outside of inventoried roadless.

Existing classified roads provide access to the units within the roadless area. All parts of treatment areas are within ½ mile of classified roads and the eastern portion of the watershed already has road access. The Roads Analysis Process for this watershed determined that additional classified roads are not needed to provide access to suitable timberlands. The bottom line is that for classified roads there is no difference between Alternatives 2 and 3.

My next consideration was the impacts of temporary roads. As with many timber sales, additional temporary roads are needed to provide some access to the area to efficiently conduct treatments while managing resource impacts. Temporary roads are normally used to help reduce skidding distances. The roads are for one time use and are obliterated after the sale is completed. There are three temporary roads planned for the sale, two to access Unit B and one to access Unit C. All three roads are less than 0.25 miles in length and fall outside of inventoried roadless areas. Therefore, Alternative 2, like Alternative 3, does not have any direct effects on inventoried roadless.

I did have some concern that the temporary roads would have indirect effects on the inventoried roadless. My concern is that even though the temporary roads would be obliterated, they may still encourage unauthorized use of the roads by some ATVs and 4x4 vehicles. This indirect effect could impact the roadless areas. To avoid this potential indirect effect, I chose to restrict harvest operations to the winter on frozen ground and snow. With this change the temporary roads can be built while minimizing the ground disturbance that will occur. This technique has been used successfully on the Lodgepole II timber sale, where the summer after operations, there was very little evidence of roads or any associated ground disturbance. I feel that this design adequately avoids any indirect effects from the temporary roads on the roadless area.

Given that roads will not have any effect on the roadless area, the only remaining impacts will be from the harvest and associated skidding. As noted in the EA, throughout both treatment units in the roadless area there is evidence of past harvest and skid trails. This evidence blends into the landscape but it is still recognizable to the observer. The greatest impact and ground disturbance from the proposal would come from skidding operations. By restricting operations to frozen and snow covered ground, disturbance is greatly reduced. I have seen the results of this on other timber sales like Lodgepole II. Based upon what I have seen in other sales, the results of the harvest operations in five years will be very similar to the existing situation. There will be evidence of stumps and skid trails that blend into the landscape. My assessment, based upon the analysis in the EA, is that there will be no long-term impact to the inventoried roadless area as a result of the proposed actions. Any management decision that we could make now for management of the roadless area will still be available in the future, because roadless conditions would not be further altered.

For the reasons presented here, I selected Alternative 2 over Alternative 3. I do not believe it is necessary to forego the treatment in the inventoried roadless in order to protect the existing characteristics of the area. I must emphasize here that I am talking about the existing characteristics of the area. The existing classified roads in the watershed greatly impact the roadless conditions of the area. I believe that roadless is a landscape level conditions that needs to be looked at from a landscape level. In looking at the map of the area I believe that the impacts of the existing roads to the roadless character of this area far outweigh any impacts that will occur from harvest operations conducted in the winter on frozen ground.

I want to spend some time discussing the benefits of the treatments for this area. One of the most important benefits in my mind is the increased diversity that the treatments create. The aspen treatments will help to maintain and expand this limited habitat condition. The success of past treatments in the watershed bodes well for the success of this proposal. These stands are highly used by elk, moose, and ruffed grouse among other species. The treatment of the conifer stands in the area will create other stand structures that are limited in a landscape that is more and more dominated by older stands. This diversity helps to increase the resilience of the watershed to large-scale disturbances from insects and fire. This is more and more important as larger portions of the Shoshone are being impacted by large-scale disturbances, such as the spruce beetle epidemic that is occurring on Carter Mountain, killing spruce over hundreds of acres.

Another benefit of the treatment is the production of timber products. This is important in that it supports the multiple use objectives of the Forest Plan that many of the surrounding communities depend on to contribute to economic diversity. Some publics contend that I will be forgoing the benefits of an unmanaged forest with this decision. They are correct. I feel that this decision needs to be placed in the context of the whole Shoshone National Forest. The Forest Plan directs that the Forest (approximately 2.5 million acres) be managed for multiple uses. Approximately 86,000 acres are designated as suitable for timber harvest (3.5%). Of that, I am proposing treatment on 417 acres. By making this decision I will be achieving the benefits of a managed forest that are not realized on the vast majority of the Shoshone National Forest where unmanaged benefits are the main emphasis.

Two other areas that I want to discuss are water and wildlife. Some of the roadwork conducted in conjunction with this project will correct a few remaining problems with the existing road system inputting sediment into streams. Additionally, harvest related impacts are greatly reduced by the restriction of harvest activities to the winter.

For wildlife, I had two areas of concern. One is the impact that may occur to big game winter range use in the area. The watershed is closed to motorized use in the winter in order to protect that habitat. By working closely with the Wyoming Game and Fish Department, the hauling routes and timing of the activities have been designed to minimize this impact. I am comfortable that those impacts will be limited. The Game and Fish Department agrees with this assessment.

Though there will be some short term impacts from harvest operations, the treatments are limited to three years and the resulting vegetation conditions will be an improvement for winter range species like moose and elk.

The other concern is impacts on threatened and endangered species. The analysis indicates that in the long run benefits will be favorable for the wolf, because the effects are beneficial for its primary prey species the elk. Impacts for grizzly bear are very limited because harvest activities occur in the winter when they are hibernating. From a habitat standpoint, the harvest activities are favorable. Grizzly bears use a variety of habitats and the treatments will increase habitat diversity in an area that is more and more dominated by mature forest conditions.

In summary, I selected Alternative 2 over Alternative 3 because Alternative 2 does not alter existing roadless conditions while achieving the benefits of treating twice as many acres as Alternative 3. I have reviewed and agree with the responses to comments in Appendix A and the associated changes made in the final EA. I also believe that this decision and associated analysis responds to the issues identified in the EA.

Public Involvement

The original scoping on the Dick Creek timber sale was conducted in the late 1990s. At that time agencies, landowners, and other interested publics were contacted about the proposed project. Comments and concerns identified during that scoping effort that are not represented by the scoping efforts associated with this version of the EA were brought forward and considered.

Given the change of concerns that occurred since the first EA, a new round of scoping was conducted to identify issues and seek input relevant to the proposal and new analysis. On May 21, 2002, a scoping letter describing the project proposal was sent to over 200 individuals, media, groups, private landowners, organizations, and Native American Tribes to notify them of the proposal and to request their comments and concerns. The U.S. Fish and Wildlife Service and Wyoming Game and Fish received a copy and were asked to provide comments.

Responses to the May 21, 2002 scoping included 16 letters, inquiries, phone calls, and e-mails. The *Cody Enterprise* and *Billings Gazette* wrote articles in response to the scoping statement. The correspondence is retained in the project file. All comments received through scoping and the public involvement processes were considered in developing the issues and alternatives, which directed the analysis process.

Key Issues

Key issues identified are described below. Additional information can be found in section 1.7 of the EA.

Roadless

Roadless was a new issue identified in the latest round of scoping and received much attention. The comments ranged from those who felt that no harvesting and road building should occur in roadless areas to those who felt that such activities should be conducted in roadless areas.

Wildlife

Threatened, Endangered, and Sensitive species (TES) were one of the more frequently mentioned concerns. Many were concerned with the effects the project would have on TES. Other comments felt that the project would do little harm to these species and that it was more important to treat the stand. Other items mentioned included snag habitat, big game animals and associated winter range.

Watershed

Concern for water quality and watersheds were another area that received frequent comments. There was no disagreement over the need to protect watersheds. Specific components mentioned were riparian, wetlands, fisheries, and water quality.

Economics

There was concern from a few individuals that it was important for the Forest to offer timber for sale in order to help support local communities and industry.

Fuels Reduction

Some commentors indicated that vegetation treatment was needed in order to reduce the risk of large wildfires in the area and provide long-term protection to the forest and habitat. Some felt that more emphasis should be placed on using prescribed fire and less on using timber harvest to address fuel concerns.

Insects and Disease

There is internal concern that treatment needs to occur to manage the level of insect and disease infestations within the treated stands in order to meet Forest Plan direction. There were also a few public comments about the need to treat insect infestations.

Finding of No Significant Impact

Based on my review of the information and analysis in the Dick Creek Timber Sale EA and the project file, I have determined that Alternative 2 as identified in this decision notice is not a major federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed (40 CFR 1508.27). This finding of no significant impact is based on the following:

Context

The effects of Alternative 2 are localized, with implications for only the immediate area. The cumulative effects analysis of past and future activities along with the current proposal is discussed in the EA. These effects were considered in my determination. Alternative 2 is consistent with the direction, standards, and guidelines outlined in the Shoshone Forest Plan as amended.

Intensity

The intensity of activities in the selected alternative is outlined below:

1. **Impacts that may be both beneficial and adverse:** I considered beneficial and adverse impacts associated with the alternatives as presented in Chapter 3 of the EA. These impacts are within the range of effects identified in the Forest Plan. The overall impact of the selected alternative will be beneficial, with no significant adverse impacts. Impacts from Alternative 2 are not unique to the Dick Creek Timber Sale. Previous projects involving similar activities have had non-significant effects. On this basis, I conclude that the direct, indirect, and cumulative effects of Alternative 2 are not significant.
2. **The degree to which the proposed action affects public health or safety:** I have considered the effects of this project on public safety and health and have determined that

Alternative 2 will have no significant effects. Mitigation is included to place signs on access roads to alert Forest users of harvest operations and logging truck traffic during operations (EA section 2.2.4 Mitigation, Transportation). No other effects on public health or safety are expected.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:** A portion of the project area falls within an inventoried roadless area. The EA includes a discussion on the existing conditions and effects to that area (EA, section 3.6.1). The portions of the roadless within treatment units contain evidence of past harvest and skidding activities and the drainages are accessed by classified roads. No road construction or reconstruction is conducted in the inventoried roadless area. The proposed activity will not alter the existing roadless characteristics of the area. Alternative 2 will not affect any other unique features.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial:** The anticipated effects associated with the implementation of Alternative 2 are disclosed in the EA, Chapter 3. The basic data and relationships are sufficiently well established in the respective sciences for me to make a reasoned choice between the alternatives, and to adequately assess and disclose the possible adverse environmental consequences. Though there is disagreement by some members of the public over whether treatments should be conducted, the environmental effects from those treatments are well understood.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks:** Alternative 2 is similar to many past actions on the Shoshone National Forest. Based on the results of past actions and technical and professional insight and experience, I am confident that we adequately understand the effects of the harvest on the human environment. There are no unique or unusual characteristics about the area or selected alternative that would indicate an unknown risk to the human environment (Chapter 3, EA).
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about future considerations:** The project is similar to other harvests that have occurred on the Forest and in the watershed. These actions do not set a precedent. The discussion on roadless (EA, section 3.6.1) describes the past treatments that have occurred in the area.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:** The effects from the harvest, when combined with other past, present, and reasonably foreseeable future activities are not expected to have any significant cumulative effects. The selected alternative will have minor specific cumulative effects when added to the existing conditions. I looked at the potential cumulative effects discussion in the EA (Section 3.10) and found that the cumulative effects would not be significant.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources:** The proposal meets laws for protection of heritage resources. As described in the EA (section 3.8) heritage resources have been identified within the analysis area and will not be affected by proposed activities.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that have been determined to be critical under the Endangered Species Act of 1973:** The Biological Assessment prepared for this project

describes the findings for threatened and endangered species. That analysis is incorporated into the EA (section 3.2.2). The determinations from the BA are: 1) not likely to jeopardize the wolf, or adversely modify proposed critical habitat; 2) not likely to adversely affect the grizzly bear or its habitat; and 3) not likely to affect the lynx. The U.S. Fish and wildlife Service concurs with the determinations.

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment:** The proposal meets federal, state, and local laws on water quality, heritage resources, and threatened and endangered species. It meets National Forest Management Act requirements, and National Environmental Policy Act disclosure requirements.

Findings Required by other Laws and Regulations

The decision to implement Alternative 2 is consistent with the intent of the Forest Plan's long-term goals and objectives referenced in the EA (sections 1.3 and 1.4). The project is designed in conformance with land and resource management plan standards and guidelines, many of which are referenced in the EA (section 2.2.4).

The selected alternative and analysis are also consistent with laws and regulations on forest management practices (EA, section 3.1.3), water quality (EA, section 3.3), endangered species (EA, section 3.2.2), heritage resources (EA, section 3.8), environmental justice (EA, section 3.9), inventoried roadless (EA section 3.6.1), and transportation policy (EA, section 3.5).

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215.7. A notice of appeal must be in writing and clearly state that it is a Notice of Appeal being filed pursuant to 36 CFR 215.7. Any appeal must be postmarked or received by the Appeal Deciding Officer within 45 days of publication of a legal notice in the *Cody Enterprise*. The appeal must be submitted to:

USDA Forest Service
Region 2 Rocky Mountain Region
Attn.: Appeal Deciding Officer
PO Box 25127
Lakewood, Colorado 80225-25127

Appeals must meet content requirements of 36 CFR 215.14. Pursuant to 36 CFR, Section 215.10(a), if no appeal is filed, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur until 15 days following the date of the appeal disposition (36 CFR. Sec.215.10 (b)).

Implementation Date

Pursuant to 36 CFR, Section 215.10(a), if no appeal is filed, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur until 15 days following the date of the appeal disposition (36 CFR. Sec.215.10 (b)). The decision will be implemented on or after these times.

Contact

For additional information concerning this decision, please contact NEPA Coordinator Marty Sharp, or the deciding official at North Zone/Wapiti Ranger District, 203 A Yellowstone Ave., Cody, WY 82414, phone (307) 527-6921.

Copies of the EA are available from the Wapiti Ranger District Office.

/s/ Brent Larson

November 27, 2002

District Ranger

Date